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**SUPREME COURT OF WASHINGTON ISSUES GROUNDBREAKING RULING,
AFFIRMING ONE OF THE LARGEST LAND USE-RELATED DAMAGES AWARD IN STATE HISTORY**

August 15, 2018 – Seattle, Washington – The Supreme Court of Washington has issued an historic ruling in a case involving Thurston County, Maytown Sand & Gravel, and the Port of Tacoma, rejecting egregious procedures used by the County and awarding Maytown and the Port \$12 million in damages. In an opinion filed on August 9, 2018, the Supreme Court unanimously affirmed the jury’s verdict – including an award of \$12 million in damages and additional attorneys’ fees. Cairncross & Hempelmann represented Maytown Sand & Gravel, which was awarded \$4 million plus its attorneys’ fees for the County’s violation of its due process rights guaranteed under the U.S. Constitution.

The case arose from a final permit to mine gravel issued by the County in 2005. The mining permit was issued only after the dedication of major parts of the property wildlife habitat managed by the Washington Department of Fish & Wildlife. Even though the mining permit was final, there were some opponents, including some who had earlier agreed to a settlement approving the mine. These opponents, unbeknownst to Maytown, included two County Commissioners. Maytown was required to obtain minor revisions to the mining permit, which revisions would ordinarily have been handled quickly by County staff. The then-current County Commission, however, intervened and imposed new and time-consuming requirements, with the aim of killing the mine through delay. One example is an order from a County Commissioner who, when told that the County could legally stop the mine only if there was an emergency, ordered staff to “find me an emergency.” After hearing this evidence, the jury unanimously concluded that the County’s conduct was so extreme as to “shock the conscience” and both the Court of Appeals and the Supreme Court unanimously agreed that the evidence supported this verdict.

“This case represents an extremely important win for constitutional rights in Washington, and protects not just landowners but ordinary citizens from governmental abuses,” said attorney John W. Hempelmann, who represented Maytown during the proceedings. Attorneys who led the administrative and trial efforts were John W. Hempelmann, Randall P. Olsen, Jed Powell, and Ana-Maria Popp. Eric L. Christensen, Jed Powell, John W. Hempelmann, and Nancy Bainbridge Rogers were integral team members during appellate proceedings.

About Cairncross & Hempelmann: Located in the beautiful Pacific Northwest, Cairncross & Hempelmann is a full-service law firm that counsels clients on business, real estate and litigation matters. We work in cross-functional teams that allow us to understand our clients’ businesses and

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